



IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ANDERSON/GREENWOOD DIVISION

FREDDIE B. COLEMAN, §
Petitioner, §
§
vs. § CIVIL ACTION NO. 8:05-1038-26BI
§
UNITED STATES OF AMERICA et al., §
Respondents. §

ORDER ADOPTING THE REPORT AND RECOMMENDATION OF THE
MAGISTRATE JUDGE AND DISMISSING THIS CASE WITHOUT PREJUDICE AND
WITHOUT REQUIRING RESPONDENTS TO FILE A RETURN

Petitioner, proceeding *pro se*, filed this case pursuant to Sections 2241 and 1651. The matter is before the Court for review of the report and recommendation (report) of the United States Magistrate Judge in which she suggests that this action should be dismissed without prejudice and without requiring Respondents to file a return. The report is made in accordance with 28 U.S.C. § 636 and Local Rule 73.02 for the District of South Carolina.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with the Court. *See Matthews v. Weber*, 423 U.S. 261, 270 (1976). The Court is charged with making a *de novo* determination of those portions of the report to which specific objection is made, and the Court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge or recommit the matter with instructions. *See* 28 U.S.C. § 636(b)(1).

The Magistrate Judge filed her report on April 18, 2005. Petitioner failed to file any objections to the report. In the absence of objections, the Court is not required to give any explanation for adopting the recommendation. *See Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983).

After a thorough review of the report and the record in this case pursuant to the standards set forth above, the Court adopts the report and incorporates it herein. Therefore, it is the judgment of this Court that this action must be **DISMISSED** *without prejudice* and without requiring Respondents to file a return.

IT IS SO ORDERED.

Signed this 6th day of May, 2005, in Spartanburg, South Carolina.

s/ Henry F. Floyd
HENRY F. FLOYD
UNITED STATES DISTRICT JUDGE

NOTICE OF RIGHT TO APPEAL

Petitioner is hereby notified that he has a right to appeal this Order within sixty (60) days from the date hereof, pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.